

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

NIKI FRENCHKO,	:	Case No. 4:23-cv-781
	:	
Plaintiff,	:	
	:	
v.	:	Judge J. Philip Calabrese
	:	
PAUL MONROE, <i>et al.</i> ,	:	Magistrate Judge Thomas M. Parker
	:	
Defendants.	:	

MOTION TO EXCUSE ATTENDANCE OF ATTORNEY DANIEL T. DOWNEY

Now comes the Defendants, Sheriff Paul Monroe, Trumbull County, Trumbull County Board of Commissioners, Trumbull County Sheriff's Office, Mauro Cantalamessa, and Frank Fuda, (hereinafter "the Trumbull County Defendants), by and through undersigned counsel, and respectfully request this Court excuse the attendance of Attorney Daniel T. Downey at today's hearing. Counsel for these Defendants, Jennifer Meyer and Helen Sudhoff, will be in attendance at today's hearing.

On Monday, this Court scheduled an in-person hearing for 2:00pm in the Northern District of Ohio in Cleveland, Ohio. Counsel for the Trumbull County Defendants, Daniel T. Downey, whose office is in Columbus, Ohio, is currently preparing for an industrial accident trial which is scheduled to begin on Monday, September 25, 2023. *See Anthony and Rebecca Hartley v. Straight Up Equipment, LLC, et al.*, Franklin County Docket No. 19 CV 1260. For this reason, Attorney Downey is respectfully requesting his attendance at today's hearing be excused.

The Trumbull County Defendants will have counsel for today's hearing. Attorneys Jennifer Meyer and Helen Sudhoff will be in attendance. Attorney Sudhoff has attended all depositions in this case and has reviewed the text message data at issue. Both Attorneys Meyer and Sudhoff have

reviewed the underlying records and have prepared arguments for this matter. Accordingly, counsel for the Trumbull County Defendants avers there will be adequate representation for the Trumbull County Defendants even if Attorney Downey is absent.

In all, Attorney Downey respectfully requests this Court excuse his attendance at today's hearing.

Respectfully Submitted,

s/ Daniel T. Downey

Daniel T. Downey (0063753)

Helen K. Sudhoff (0101259)

FISHEL DOWNEY ALBRECHT &

RIEPENHOFF LLP

7775 Walton Parkway, Suite 200

New Albany, OH 43054

(614) 221-1216 – Telephone

(614) 221-8769 – Facsimile

ddowney@fisheldowney.com

hsudhoff@fisheldowney.com

Counsel for Defendants Sheriff Paul

Monroe, Trumbull County, Trumbull

County Board of Commissioners, Trumbull

County Sheriff's Office, Mauro

Cantalamessa, and Frank Fuda

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing **Motion to Excuse** was served, via the Court's CM/ECF system, upon all counsel this 21st day of September, 2023.

s/ Daniel T. Downey

Daniel T. Downey (0063753)

FISHEL DOWNEY ALBRECHT & RIEPENHOFF LLP

*Counsel for Defendants Sheriff Paul Monroe,
Trumbull County, Trumbull County Board of
Commissioners, Trumbull County Sheriff's Office,
Mauro Cantalamessa, and Frank Fuda*

